

REMARKS

Claims 8-15 remain pending after amendment. Claims 9-12, 14 and 15 are withdrawn from consideration. Claims 8 and 13 are under examination.

Claim Amendments

A typographical error in claims 8 and 13 is corrected by changing "rapture" to "rupture". No new matter is added by this amendment.

Rejection under 35 USC 103(a)

Claims 8 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Masaki et al U.S. Patent No. 5,894,875 in view of Takahashi JP 11-334313. This rejection respectfully is traversed.

The Masaki et al patent is directed to a pneumatic radial tire comprising a belt layer and a carcass layer having a tread portion. The belt layer 6 is comprised of steel cords having a lateral flat cross-section arranged around an outer periphery of the tread portion of the carcass layer so that the diameter direction of the steel cords follows the planar direction of the belt layer. The patent teaches that the carcass layer 4 may be

comprised of polyester fiber, nylon fiber, an aromatic polyamide fiber or a polyvinyl alcohol fiber cord.

The patent further teaches that a cap ply 7 may be comprised of an organic fiber cord such as a polyester fiber cord, an aromatic polyamide fiber cord, a rayon fiber cord, a polybenzobisoxazole fiber cord, and a PEN fiber cord.

The Examiner acknowledges the failure of the reference to teach the use of an aliphatic polyketone fiber in the cap or band ply. This deficiency is sought to be cured by the Examiner by reliance upon the additionally-cited Takahashi reference.

Takahashi teaches that an aliphatic polyketone fiber may be used in a carcass or band ply layer. However, Takahashi fails to suggest the use of an aliphatic polyketone fiber in a band ply in the manner claimed by applicants. Instead, taking Takahashi's preferred teachings into account, the obvious result would be to apply the preferred embodiment of Takahashi to that of the carcass ply of Masaki, whereby the carcass ply would be comprised of an aliphatic polyketone, as opposed to the band ply.

Further, no motivation exists in the combined teachings of the patents which would lead one of ordinary skill in the art to substitute an aliphatic polyketone for the disclosed fiber

materials of Masaki. Indeed, it is noted that Masaki teaches at column 4, lines 48-58 that the cap ply 7 is preferably comprised of fibers having an elasticity of at least 800 kgf/mm², as exemplified by the fibers disclosed at lines 55-58 of column 4 of the reference. However, aliphatic polyketone fibers are believed to possess an elasticity value significantly below the stated range. One of ordinary skill in the art would thus be taught away from the asserted substitution of an aliphatic polyketone for the materials disclosed by Masaki for use in the cap ply 7.

Further, applicants have presented comparative data which confirms that the use of an aliphatic polyketone enables highly desirable results to be achieved with respect to the high speed durability of the tire without an increase in cost (Table 1), together with an improvement in high speed durability, steering stability, ride comfort (Table 2).

In view of the above, it is believed that the rejection is without basis and should be withdrawn.

The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

In the event that any outstanding matters remain in this application, applicants request that the Examiner contact James W. Hellwege (Reg. No. 28,808) at (703) 205-8000 to discuss such matters.

Applicant respectfully petitions under the provisions of 37 CFR 1.136(a) and 1.17 for an additional one-month extension of time in which to respond to the Examiner's Official Action (the extension fee for two months previously having been paid). The additional Extension of Time fee in the amount of \$530.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

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